

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

MIKE NELSON COMPANY, INC., a) CV F 05-0208 AWI DLB
California Corporation,)
Plaintiff,) ORDER TAKING WESTON
v.) HATHAWAY'S MOTIONS UNDER
WESTON HATHAWAY, and DOES) SUBMISSION
1 through 10,)
Defendants.)

Weston Hathaway's motions for summary judgment and partial summary adjudication are currently set for hearing on December 4, 2006. The court has reviewed the moving papers and has determined that these matters are suitable for decision without oral argument. Local Rule 78-230(h).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of December 4, 2006, is VACATED, and the parties shall not appear at that time. As of December 4, 2006, the Court will take these matters under submission and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: November 29, 2006
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/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE